

FIFTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 26, 1883. }

Senate met pursuant to adjournment. Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Traylor, the reading of the journal of yesterday was dispensed with.

Senator Kleburg presented a petition of citizens of Goliad county, asking an amendment of the game laws. Referred to Judiciary Committee No. 2.

Senator Houston presented a petition of the county judge of Bexar county, with reference to the expense of keeping prisoners. Referred to Judiciary Committee No. 2.

Senator Gibbs presented a memorial in behalf of the citizens of Dallas county, asking for the location of a branch of the Supreme Court, Court of Appeals and Court of Arbitration, at the city of Dallas. Referred to Judiciary Committee No. 1.

Senator Chesley presented a petition from the citizens of Waller county, with reference to the game law. Referred to Committee on State Affairs.

Senator Pfeuffer, chairman of Committee on Finance, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 129, entitled "An act to add article 106a to the Penal Code," have had the same under consideration, and find that the subject matter thereof is closely related to Senate bill No. 130, entitled a bill to be entitled "An act defining the duties and liabilities of sheriffs who are tax collectors, and collectors of taxes in cases where they may be re-elected to the same office; and providing for their removal in certain cases," and that said bill No. 129 is dependent on, and supplementary to bill No. 130, perfecting the system in the revenue department of the government by penal provisions provided for in said Senate bill No. 130. Your Committee on Finance have carefully examined the same, and instruct me to report the same back with the recommendation that said bill No. 129 be printed for the use of the Committee on Finance, and to introduce the following resolution:

Resolved, That fifty copies of Senate bill No. 129 be printed for the use of the Senate Finance Committee, and said bill be returned to the Finance Committee for their consideration and final report.

PFEUFFER, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred joint resolution No. 5, originating in the Senate, entitled "joint resolution making an appropriation for the settlement of the Robert Wilson claim," have carefully examined the same, and instruct me to report the same back with the recommendation that said joint resolution be referred to Senate Committee on Claims and Accounts.

PFEUFFER, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 132, entitled "An act to amend article 110, Penal Code of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that said bill be printed for use of the Finance Committee, and that said bill, with printed copies, be returned to the Finance Committee; and further, to introduce the following resolution:

Resolved, That fifty copies of Senate bill No. 132 be printed for the use of the Senate Finance Committee, and said bill, with printed copies thereof, be returned to the Finance Committee for further consideration and final report.

PFEUFFER, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred:

1. Senate bill No. 129, to be entitled "An act to add article 106a to the Penal Code;" and,

2. Senate bill No. 130, to be entitled "An act defining the duties and liabilities of sheriffs who are tax collectors, and collectors of taxes in cases where they may be re-elected to the same office, and providing for their removal from office in certain cases;" and,

3. Senate bill No. 132, to be entitled "An act to amend article 110, Penal Code of Texas."

Have had the same under consideration, and from special reports, presented therewith, it will be noted that the Senate Finance Committee ask that the said bills be printed for better consideration.

Your committee respectfully return herewith substitute for bills Nos. 129, 130 and 132, introduced before your Finance Committee by Senator Gooch, in order that the same be printed for the consideration of the Finance Committee; and said committee instruct me to introduce the following resolution:

Resolved, That fifty copies of a substitute for Senate bills Nos. 129, 130 and 132, introduced by Senator Gooch, be printed for use of Senate Finance Committee.

PFEUFFER, Chairman.

Bills read first time.

COMMITTEE ROOM,
AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 130, entitled "An act defining the duties and liabilities of sheriffs who are tax collectors, and collectors of taxes in cases where they may be re-elected to the same office, and providing for their removal in certain cases," have carefully examined the same, and instruct me to report the same back with the recommendation that it be printed for the use of the Finance Committee; and further instruct me to introduce the following resolution:

Resolved, That fifty copies of Senate bill No. 130 be printed, for the use of the Senate Finance Committee, and said bill, with printed copies thereof, be returned to the Finance Committee for further consideration and final report.

PFEUFFER, Chairman.

Bill read first time.

Senator Matlock, Chairman of the Committee on Public Lands, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 112, a bill to be entitled "An act to permit the commissioners court of Baylor county to withdraw from the General Land Office certain land certificates and locate the same," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table, because the committee have reported favorably Senate bill No. 127, which, if passed, will accomplish the object submitted by this bill.

MATLOCK, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 135, entitled "An act to create the land districts of Mitchell and Howard," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass with the following amendments: Amend section 3 by inserting before the word "copies" the word "certified." Amend section 4 by adding "in so far as the same may affect the land districts hereby created."

MATLOCK, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 127, a bill to be entitled "An act to reserve and set apart three hundred and twenty-five leagues of land heretofore surveyed for the benefit of the unorganized counties of this State, and such organized counties as may have located their four leagues of school land, or any part thereof in conflict with valid prior locations and surveys, or which may from any cause fail to get title to the four leagues of land they are entitled to receive under the law," have

carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

MATLOCK, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 44, a bill to be entitled "An act to provide for leasing the unorganized county leagues," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass, with the following amendments: Amend section 1 by striking out "Governor, State Treasurer and Comptroller," and insert "Attorney-General, Commissioner of General Land Office and Comptroller." Amend by inserting in line five after the word "hundred," the words "and twenty-five." Strike out, in line four, all between the words "lease" and "the," when it last occurs, and add to said section the following proviso: *Provided*, That no party or company shall lease more than six leagues of said land, and if any party or company shall through another lease a larger quantity, or procure it to be done for his or its, benefit the same shall work a forfeiture pro facto without judicial ascertainment; and provided further, that not more than six leagues shall be enclosed in an enclosure.

Amend section 2: Strike out "Dallas" and insert "San Antonio and Colorado City."

Line 10 strike out "one league or more," and insert "not less than one nor more than six leagues."

Line 11, insert after word "five" the words "nor more than ten." Add to section 4 "and it shall be unnecessary for any action to declare the forfeiture other than the action of the board upon the report of the Treasurer that default has been made on the payment of the annual rents; all leases shall contain a clause making it a portion of the contract that a judicial ascertainment of the forfeiture is not required; and upon the forfeiture of any lease, said board shall immediately advertise and relet the lands on which said lease or leases have been made."

Strike out section 7.

MATLOCK, Chairman.

Bill read first time.

Senator Martin, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 140, being "An act to amend article 1135, chapter 1, title 28, of the Revised Civil Statutes," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Harris, chairman of the Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts have considered House concurrent resolution No. 3, "Instructing and requiring the Committee on Judicial Districts to rearrange and equalize the several judicial districts of this State," and instruct me to report it back to the Senate with the recommendation that it be adopted.

HARRIS, Chairman.

Senator Collins, chairman of the Committee on Stock and Stockraising, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 9, being "An act to amend section 11 of 'an act to protect the wool growing interest of the State of Texas,' approved March 11, 1879," have duly considered the same, and instruct me to report it back to the Senate with the recommendation that it do pass.

COLLINS, Chairman.

Bill read first time.

Senator Fleming introduced a bill to be entitled "An act making it the duty of railway companies to burn the grass off their rights-of-way, and fixing a penalty for their failure so to do." Referred to Committee on Internal Improvements.

Senator Pfeuffer introduced a bill to be entitled "An act to provide for filling up the library room, and for removal of the Supreme Court Library." Referred to the Committee on Public Buildings and Grounds.

Senator Evans introduced a bill to be entitled "An act to amend article 1065, chapter 3, title 15, of the Code of Criminal Procedure." Referred to Judiciary Committee No. 2.

Senator Pope introduced a bill to be entitled "An act to amend article 722, chapter 8, of the Penal Code of the State of Texas." Referred to Judiciary Committee No. 2.

Senator Houston offered the following resolution:

Resolved, That Judiciary Committee No. 2 be instructed to inquire into the evils complained of in communication from county Judge from Bexar county, and to report by bill or otherwise.

Adopted.

Senator Matlock introduced a bill entitled "An act to authorize the Comptroller of Public Accounts to audit all unsettled claims for pay due teachers of public free schools prior to the first day of July, 1873, together with interest thereon, as provided by an act approved April 27, 1874, and an act approved July 6, 1876, and to provide for the payment of the same." Referred to Committee on Education.

Also, a bill to be entitled "An act to amend article 3227 of the Revised Statutes, and to provide for local option elections." Referred to Judiciary Committee No. 2.

Senator Randolph introduced a bill to be entitled "An act to punish deer hunting by fire light at night time." Referred to Judiciary Committee No. 2.

Senator Gooch introduced a bill entitled "An act to amend article 3808 of the Revised Statutes relating to the withdrawal of title papers and copies from the General Land Office for record and other purposes." Referred to Judiciary Committee No. 1.

Also, a bill to be entitled "An act to amend chapter 10 of title 17, of the Revised Civil Statutes, by adding thereto another article, 503a, relating to the extension of the boundaries of cities and towns incorporated by general law." Referred to Judiciary Committee No. 2.

Senator Gibbs introduced a bill to be entitled "An act requiring the Comptroller to notify his bondsmen when any sheriff or tax collector fails to settle his accounts." Referred to Judiciary Committee No. 2.

Senator Farrar introduced a bill to be entitled "An act to amend article 1402, of title 29, chapter 19, of the Revised Civil Statutes of the State of Texas." Referred to Judiciary Committee No. 1.

Also, a bill to be entitled "An act to amend article 1048, of title 26, chapter 8, and of article 1418, of title 29, chapter 19 of the Revised Civil Statutes of the State of Texas." Referred to Judiciary Committee No. 1.

On motion of Senator Pfeuffer the resolution presented by the Committee on Finance was adopted.

Senator Harris called up the concurrent resolution reported by the Committee on Judicial Districts, which, on his motion, was adopted.

On motion of Senator Jones memorial No. 9 was referred to the Committee on Land Claims.

Senate joint resolution No. 15, with regard to amendment to the article on taxation and revenue in our State Constitution, being the special order for this time, was taken up for consideration.

Senator Davis offered a substitute.

Senator Houston raised the point of order that the substitute was out of order, and then moved that joint resolution, amendments and substitute be re-referred to the Committee on Constitutional Amendments. Adopted, and resolution re-committed by the following vote:

YEAS—21.

Davis,	Johnson of Collin,	Peacock,
Evans,	Johnston of Shelby.	Perry,
Farrar,	Jones,	Pfeuffer,
Fleming,	King,	Pope,
Getzendaner,	Kleberg,	Shannon,
Gibbs,	Martin,	Stratton,
Houston,	Patton,	Traylor.

NAYS—8.

Buchanan,	Gooch,	Randolph,
Chesley,	Harris,	Terrell.
Collins,	Matlock,	

Senate bill No. 41, "An act to provide for the payment of fees to county judges, justices of the peace, sheriffs, constables, district and county attorneys, for services rendered in examining courts in felony cases," being the second special order for this morning, was taken up.

Senator Davis moved to recommit the bill, with substitute and amendments.

Senator Gooch moved to amend the motion of Senator Davis by having the bill referred to a special committee consisting of Senators Davis, Gibbs and Peacock. Adopted, and bill so referred.

The President gave notice of the signing of Senate bill No. 24, "An act authorizing the Commissioner of the General Land Office to employ additional clerks and fixing their salaries."

Senator Houston, by unanimous consent, introduced a bill entitled "An act to enable commissioners' courts to declare streets, alleys, highways, public grounds of unincorporated towns and villages to be public roads, and to abate nuisances in such towns and villages." Referred to Judiciary Committee No. 1.

Senate bill No. 2, "An act to amend article 3201, chapter 1, title 62, of the Revised Statutes," was taken up and read the third time.

Senator Houston moved to return the bill to Committee on Engrossed Bills for correction. Adopted, and bill returned to said committee.

Senate bill No. 9, "An act to amend articles 730 and 731 of the Code of Criminal Procedure," was taken up, read the third time and passed by the following vote:

YEAS—16.

Davis,	Jones,	Pope,
Evans,	King,	Randolph,
Gibbs,	Martin,	Shannon,
Gooch,	Matlock,	Stratton,
Harris,	Patton,	Traylor.
Johnson of Collin,		

NAYS—13.

Buchanan,	Fowler,	Kleberg,
Chesley,	Getzendaner,	Peacock,
Collins,	Houston,	Pfeuffer,
Farrar,	Johnston of Shelby,	Terrell.
Fleming,		

Senator Fowler, chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM.
AUSTIN, January 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 24, being "An act authorizing the Commissioner of the General Land Office to employ additional clerks, and fixing their salaries," and find the same correctly enrolled, and have this day at 10:40 o'clock a. m. presented the same to the Governor for his approval.

FOWLER, Acting Chairman.

Senate bill No 50, "An act to amend article 317, chapter 3, title 9, of the Penal Code," was taken up and read third time.

Senator Davis moved a call of the Senate. Call sustained.

Senator Gooch moved to excuse Senator Cooper.

Senator Patton moved to amend by adding Senator Perry.

Division called for.

Senator Cooper was excused by the following vote:

YEAS—29.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Collins,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Jones,	Shannon,
Fleming,	King,	Stratton,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Martin,	Traylor.
Gibbs,	Matlock,	

NAYS—none.

Senator Perry was excused by the following vote:

YEAS—29.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Collins,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Jones,	Shannon,
Fleming,	King,	Stratton,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Martin,	Traylor.
Gibbs,	Matlock,	

NAYS—none.

Bill passed by the following vote :

YEAS—21.

Buchanan,	Gibbs,	Kleberg,
Chesley,	Gooch,	Martin,
Evans,	Harris,	Matlock,
Farrar,	Johnson of Collin,	Patton,
Fleming,	Johnston of Shelby,	Pfeuffer,
Fowler,	Jones,	Stratton,
Getzendaner,	King,	Traylor.

NAYS—7.

Davis,	Pope,	Shannon,
Houston,	Randolph,	Terrell.
Peacock,		

Senator Chesley, by unanimous consent, introduced a bill entitled "An act to amend articles 423, 424, 425, 426, 427, 428, 429, and 430, and to create article 426½, and to repeal article 430, of chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game, approved March 13, 1881, so as to exclude Waller county from exemptions of said section." Referred to Committee on State Affairs.

Senator Pfeuffer, chairman of special committee appointed to visit the Governor's mansion, and estimate the amount necessary for its repair, submitted the following report:

COMMITTEE ROOM.
AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

On January 17, the following resolution was adopted by the Senate:

"Resolved, That a committee of three members of the Senate, to act with a like committee from the House, be appointed to examine into the condition of the Governor's mansion, and report what is necessary to put the same in a proper condition," which resolution passed the House of Representatives, and your special committee was appointed in accordance with the terms of the joint resolution.

Your special committee have carefully examined into the condition of the Governor's mansion, and find that there is immediate necessity for repairs in the building, and furniture and fixtures connected therewith to be furnished for the use of the Governor.

In the opinion of your committee, an appropriation of at least four thousand five hundred dollars should at once be made and placed under the control of the Governor, to be expended by him as may be deemed best to place the Governor's mansion in a habitable condition, and to make such necessary purchases of furniture, fixtures, and conveniences pertaining to the premises as are usual and proper.

Your committee instruct me to report a joint resolution entitled

"A joint resolution making an appropriation of four thousand five hundred dollars, to be used in repairing the Governor's mansion and supplying necessities and conveniences connected therewith," which joint resolution is returned herewith.

PFEUFFER, Chairman.

Joint resolution making an appropriation of four thousand five hundred dollars, to be used in repairing and furnishing the Governor's mansion.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of four thousand five hundred dollars, or so much thereof as may be necessary, out of any money in the treasury not otherwise appropriated, is hereby appropriated to be expended, under direction and control of the Governor, for repairing and furnishing the Governor's mansion and grounds.

SEC. 2. That this resolution take effect and be in force from and after its passage. Whereas, the Governor's mansion is now in a condition not fitted for comfortable occupancy, which creates an imperative public necessity that the constitutional rule be suspended and this act take effect from and after its passage.

Read first time.

Senator Jones moved to suspend the regular order of business to take up the report and resolution just read. Report adopted, and resolution taken up.

On motion of Senator Houston, the rules were suspended to put the resolution on its second reading. Adopted by the following vote:

YEAS—28.

Buchanan,	Gooch,	Matlock,
Chesley,	Harris,	Patton,
Collins,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pfeuffer,
Evans,	Johnston of Shelby,	Pope,
Farrar,	Jones,	Randolph,
Fleming,	King,	Shannon,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Martin,	Traylor.
Gibbs,		

NAYS—none.

Joint resolution read second time.

Senator Houston offered the following amendment: Strike out the first two lines of section 2, and insert after the word "necessity" the words "and emergency which require." Adopted, and resolution ordered engrossed.

On motion of Senator Houston, rules were further suspended and bill placed on upon its third reading.

Adopted, and rules suspended by the following vote:

YEAS—25.

Buchanan,	Gooch,	Matlock,
Chesley,	Harris,	Patton,
Collins,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pfeuffer,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Jones,	Shannon,
Fleming,	King,	Terrell,
Fowler,	Kleberg,	Traylor.
Getzendaner,	Martin,	

NAYS—none.

Resolution read third time and passed by the following vote:

YEAS—24.

Buchanan,	Getzendaner,	Martin,
Chesley,	Gooch,	Matlock,
Collins,	Harris,	Patton,
Davis,	Houston,	Peacock,
Evans,	Johnson of Collin,	Pfeuffer,
Farrar,	Johnston of Shelby,	Pope,
Fleming,	King,	Randolph,
Fowler,	Kleberg,	Traylor.

NAYS—none.

Senate bill No. 56, "An act to amend article 1083 of the Code of Criminal Procedure," was taken up, read third time and passed.

Senate bill No 58, "An act to amend article 4000 of the Revised Statutes," was taken up, read third time and passed by the following vote:

YEAS—25.

Buchanan,	Gooch,	Matlock,
Collins,	Harris,	Peacock,
Davis,	Houston,	Pfeuffer,
Evans,	Johnson of Collin,	Pope,
Farrar,	Johnston of Shelby,	Randolph,
Fleming,	Jones,	Shannon,
Fowler,	King,	Terrell,
Getzendaner,	Martin,	Traylor.
Gibbs,		

NAYS—none.

Senate bill No. 60, "An act to amend article 4574, of chapter 3, title 93, of the Revised Statutes of the State of Texas," was taken up, read third time and passed.

Senate bill No. 61, "An act to restore to and confer upon the county court of Parker county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of the State, and to conform the jurisdiction of the district court of said county to such change," was taken up, read third time and passed.

Senate bill No. 81, "An act to prevent certain county officers, their deputies and employes from purchasing property at tax sales," was taken up, read third time and passed.

House concurrent resolution No. 4, authorizing the Penitentiary Committee to appoint a sub-committee of three, was read and adopted.

Senate bill No. 1 was taken up and postponed in consequence of substitute not being found.

Senate bill No. 5, "An act amending article 186 of the Penal Code," was taken up on second reading, and read second time with report.

Senator Gibbs offered a substitute.

(The President pro tem in the chair.)

Senator Davis offered the following amendment: "Or if any person shall hunt with firearms on Sunday he shall be guilty of a misdemeanor, and upon conviction shall be punished by fine of not less than ten nor more than twenty-five dollars."

Senator Patton moved to amend the pending amendment by inserting after the word "Sunday" the words "upon the premises of another without his consent." Accepted by Senator Davis, and amendment, as amended, adopted.

Senator Martin offered the following amendment: Amend by striking out the word "between" and insert "after" in line 6, and by striking out the words "and from 4 o'clock p. m." in line 7.

Senator Harris moved the previous question.

On motion of Senator Jones, Senate adjourned till tomorrow morning at 10 o'clock.

SIXTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 27, 1883. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Pope, the reading of the journal of yesterday was dispensed with, and same adopted.

Senator Cooper presented a petition of attorneys of Tyler county, asking amendment of article 1052 of Code of Criminal Procedure. Referred to Judiciary Committee No. 2.

Senator Traylor presented a petition of the bar of Hood county, asking for an amendment to article 1052 of the Code of Criminal Procedure, regulating the duties and fees